

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

DECEMBER 11, 2003

The Marlboro Township Council held a regularly scheduled Council Meeting on December 11, 2003 at 8:00 P.M. at the Recreation Center, 1996 Recreation Way, Marlboro, New Jersey.

Acting Council President Mione opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 13, 2002; mailed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Denkensohn, Councilwoman Singer, and Acting Council President Mione.

Also present were: Mayor Scannapieco, Ronald H. Gordon, Esq., Mayor, Business Administrator Chris Marion, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Mayor-elect Robert Kleinberg, Councilwoman-elect Patricia Morelli, Councilman-elect Joseph Pernice were in attendance.

Councilman Denkensohn nominated T. Grover Burrows to fill in vacant seat of Ellen Karcher, which was seconded by Councilwoman Singer, and the following Resolution # 2003-359 (Appointment of Council member to fill vacant seat of Ellen Karcher) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 3 - 0 in favor. Councilman Burrows was sworn in by Ron Gordon, Esq.

RESOLUTION # 2003-359

A RESOLUTION TEMPORARILY FILLING THE VACANT COUNCIL  
SEAT OF THE HONORABLE ELLEN KARCHER

WHEREAS, pursuant to the Municipal Vacancy Law, N.J.S.A. 40A:16-3(f), the office of a member of the governing body of a municipality shall be deemed vacant when said member files a written resignation with the municipal clerk; and

WHEREAS, due to the resignation of Council President Ellen Karcher, a vacancy has been created on the Township Council of the Township of Marlboro; and

WHEREAS, the Municipal Vacancy Law further provides, at N.J.S.A. 40A:16-5(b) and N.J.S.A. 40A:16-11, that the governing body of the municipality may temporarily fill said vacancy by selecting one of three nominees which are presented by the municipal committee of the former officer's political party; and

WHEREAS, said temporary appointment must be made by the governing body within thirty (30) days of the occurrence of the vacancy; and

WHEREAS, having been presented with the names of three (3) nominees from the Marlboro Township Democratic Municipal Committee to fill the aforementioned vacancy, the Township Council of the Township of Marlboro desires to take the following action.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro as follows:

1. That the Township Council hereby appoints T. Grover Burrows, whose name was submitted by the Marlboro Township Democratic Municipal Committee to temporarily fill the vacancy on the Township Council of the Township of Marlboro as a result of the resignation of Council President, the Honorable Ellen Karcher, until a successor has been duly elected and qualified pursuant to the Municipal Vacancy Law, N.J.S.A. 40A:16-1 et seq.

2. That the remainder of the Honorable Ellen Karcher's unexpired term shall be filled at the next general election pursuant to the Municipal Vacancy Law, N.J.S.A. 40A:16-5(b).

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. T. Grover Burrows
- b. Marlboro Township Democratic Municipal Committee
- c. Mayor Matthew V. Scannapieco
- d. Township Administrator

e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

Councilman Denkensohn nominated Jeffrey Rosen to fill in vacant seat of Councilman Paul Kovalski, Jr. D.M.D., which was seconded by Councilwoman Singer, and the following Resolution # 2003-360 (Appointment of Council member to fill vacant seat of Paul Kovalski, Jr., DMD) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 4 - 0 in favor. Councilman Rosen was sworn in by Ron Gordon, Esq.

RESOLUTION # 2003-360

A RESOLUTION TEMPORARILY FILLING THE VACANT COUNCIL  
SEAT OF THE HONORABLE PAUL KOVALSKI, JR.

WHEREAS, pursuant to the Municipal Vacancy Law, N.J.S.A. 40A:16-3(f), the office of a member of the governing body of a municipality shall be deemed vacant when said member files a written resignation with the municipal clerk; and

WHEREAS, due to the resignation of Council Member Paul Kovalski, Jr., a vacancy has been created on the Township Council of the Township of Marlboro; and

WHEREAS, the Municipal Vacancy Law further provides, at N.J.S.A. 40A:16-5(b) and N.J.S.A. 40A:16-11, that the governing body of the municipality may temporarily fill said vacancy by selecting one of three nominees which are presented by the municipal committee of the former officer's political party; and

WHEREAS, said temporary appointment must be made by the governing body within thirty (30) days of the occurrence of the vacancy; and

WHEREAS, having been presented with the names of three (3) nominees from the Marlboro Township Democratic Municipal Committee to fill the aforementioned vacancy, the Township Council of the Township of Marlboro desires to take the following action.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro as follows:

1. That the Township Council hereby appoints Jeffrey Rosen, whose name was submitted by the Marlboro Township Democratic Municipal Committee to temporarily fill the vacancy on the Township Council of the Township of Marlboro as a result of the resignation

of Council Member, the Honorable Paul Kovalski, Jr., until a successor has been duly elected and qualified pursuant to the Municipal Vacancy Law, N.J.S.A. 40A:16-1 et seq.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Jeffrey Rosen
- b. Marlboro Township Democratic Municipal Committee
- c. Mayor Matthew V. Scannapieco
- d. Township Administrator
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

At 9:45pm, Council took a five-minute recess.

Acting Council President Mione opened the Public Hearing on Ordinance # 2003-29 (Amend Chapter 84 - Stream Corridor Preservation). After the Public Hearing, the following Resolution # 2003-361/Ord. # 2003-29 (Amend Chapter 84 - Stream Corridor Preservation) was introduced as amended by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0.

RESOLUTION # 2003-361

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-29 (AS AMENDED)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE III BY ADDING A NEW SECTION 84-30(F), TO PLACE STREAM CORRIDOR PRESERVATION RESTRICTIONS ON ALL PROPERTY THROUGHOUT THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

which was introduced on November 24, 2003, public hearing held December 11, 2003, be adopted on second and final reading this 11<sup>th</sup> day of December, 2003.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

ORDINANCE #2003-29 (AS AMENDED)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE III BY ADDING A NEW SECTION 84-30(F), TO PLACE STREAM CORRIDOR PRESERVATION RESTRICTIONS ON ALL PROPERTY THROUGHOUT THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, in order to more fully protect and preserve our State's and Township's streams and waterways for the health, welfare and benefit of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey, it has become necessary to revise the Township of Marlboro's ordinances to enact Stream Corridor Preservation Restrictions ("SCPR") upon all lands contained in the Township of Marlboro, so that the citizens of this Township, County and State may enjoy to the fullest extent possible the benefits of untainted and pristine waters.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that Chapter 84, Article III of the Code of the Township of Marlboro, be and hereby is amended and supplemented to provide for Stream Corridor Preservation Restrictions on all lands in the Township of Marlboro by adding a new Section 84-30(F) as follows:

§84-30(F)

Stream Corridor Preservation Restrictions

A. Establishment. Stream corridor preservation restrictions on lands contained in the Township of Marlboro are hereby established.

B. Definitions.

(1) Stream channel - shall mean permanent or intermittent watercourses shown on U.S.G.S. quadrangle maps, the Monmouth County Soil Survey or other sources as the Planning Board and Zoning Board of Adjustment of the Township of Marlboro may deem applicable and germane.

(2) Stream Corridor - shall mean the stream channel and all lands on either side of the stream channel to a width of 50 feet (50') on either side or which is within the 100 year floodplain, including any sloping areas of fifteen degrees (15°) or greater that are contiguous to the stream channel or 100 year floodplain. A slope shall be identified from an elevation contour plan of a site based on two foot (2') elevation intervals.

(3) Stream Corridor Buffer - shall mean an area contiguous with the stream corridor where no permanent structure shall be allowed.

(4) Stream Corridor Averaging - shall mean the replacing of a curved corridor buffer boundary by a straight line or sequence of joined straight lines so that the total corridor buffer area remains the same.

C. Purpose. The purpose of the stream corridor preservation restrictions are as follows:

(1) Improve the management, care and preservation of waterways and water resources in the Township of Marlboro.

(2) Protect significant ecological components of Stream Corridors including, but not limited to, floodplains, woodlands, steep slopes, wildlife and plant life habitats within stream corridors to prevent flood related damage.

(3) Complement existing Federal, State, Regional, County and Municipal Stream Corridor and flood hazard protection, management regulations and plans.

(4) Coordinate the regulation of development within Stream Corridors in a manner consistent with the Township's other regulatory approaches regarding environmentally sensitive areas.

(5) Reduce the amount of nutrients, sediment, organic matter, pesticides and other harmful substances that reach waterways and subsurface and surface water bodies by using scientifically proven processes, including, but not limited to, filtration, deposition, absorption, adsorption, plant uptake, biodegradation, denitrification and any and all other means now or hereinafter devised and by improving infiltration, encouraging sheet flow and stabilizing concentrated flows.

(6) Regulate land use and development within the Township so that such uses are consistent with the intent of this section and the regulations promulgated herein and generally accepted preservation practices.

(7) Preserve natural, scenic and recreation areas within and adjacent to streams and waterways throughout the Township of Marlboro.

(8) Support the water resource policies of the New Jersey State Development and Redevelopment Plan.

(9) Advance the purposes of the New Jersey Municipal Land Use Law with particular emphases on those items set forth in N.J.S.A. 40:55D-2(a)(b)(d)(i) and (j).

(10) Protect natural drainage features.

(11) Aid in the reduction of flooding.

(12) Reduce development impacts on water quality.

(13) Protect the rights of others within the same waterway areas from the adverse effects of improper stream corridor development.

(14) Provide for potential recreation and wildlife mitigation corridors throughout the Township for the health, welfare and benefit of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey.

#### D. Applicability.

(1) The Stream Corridor Preservation Restrictions in this Section shall be applicable to all lands contained in the Township of Marlboro, including, but not limited to, any and all tracts of land that are the subject of an application for subdivision, site plan or any land use approvals that fall, in whole or in part, within a stream corridor and/or stream corridor buffer.

(2) The Stream Corridor Preservation Restrictions in this Section shall also be applicable in the review of any land disturbance in any stream corridor and/or stream corridor buffer (or portion thereof) which shall be undertaken as part of the application review by the applicable land use approval board or municipal agency.

#### E. Rules.

(1) Stream corridors shall have a buffer of one hundred feet (100') on each side.

(2) No septic system shall be located within any stream corridor or stream corridor buffer, or portion thereof.

(3) On any major subdivision where a stream corridor buffer has been disturbed by prior land use such as agriculture, re-vegetation of the disturbed area using native tree and plant species is required. The submitted plan must be approved by the Township Conservation Officer.

(4) An approved application for development on a property that contains a stream corridor or stream corridor buffer or portion thereof, shall provide a conservation easement for the continued protection of the stream corridor or stream corridor buffer or portion thereof. Any conservation easements made under the provisions of this Section shall be dedicated to the Township in perpetuity and shall specifically prohibit the erection of any and all structures, including, but not limited to, fences and walls, and shall be in conformance with all provisions of the Land Use Development and Regulations Ordinance of the Township of Marlboro. Any conservation easements created under the provisions of this Section shall be made by Deed which shall be recorded in the Monmouth County Clerk's Office.

(5) Stream corridor buffer averaging may be permitted, provided that the width at all points of the averaged buffer is at least seventy percent (70%) of the width of the stream corridor buffer before such averaging.

#### F. Standards and Practices.

(1) Permitted Activities. Stream corridors and stream corridor buffers shall remain in their natural state with no altering of waterways, re-grading or construction or any clearing or cutting of trees and/or brush, (except for the removal or pruning of dead vegetation for reasons of public safety and welfare as deemed necessary by the Township Engineer) except in the case of the following activities:

(a) Wildlife sanctuaries, woodland preserves and arboretums, excluding enclosed structures;

(b) Game farms, fish hatcheries and fishing reserves operated for the protection and propagation of wildlife, excluding any enclosed structures;

(c) Hiking, bicycle and bridle trails, including bridges or other structures appurtenant thereto;



(d) Trails or pathways, including bridges or other structures appurtenant thereto, constructed and/or maintained by or under the authority of the Township for the purpose of providing access to public recreation areas;

(e) Fishing areas; and

(f) Cultivation of the soil for agricultural or horticultural production, pasture and similar agricultural uses undertaken in accordance with agricultural best management practices to reduce or prevent non-point source pollution.

(2) Location of activities on tracts partially within stream corridors and/or stream corridor buffer areas.

(a) All new lots in major and minor subdivisions and site plans shall be designed to provide sufficient areas outside of stream corridors and stream corridor buffers to accommodate principal buildings and uses as well as any permitted accessory use; and

(b) The applicable land use approval board may allow an average stream corridor buffer width of one hundred feet (100') from the Stream Corridor, allowing for reasonable flexibility to accommodate site planning when necessitated by the size and shape of the tract and physical conditions thereupon. The Stream Corridor Buffer width may be reduced to no less than a minimum of seventy feet (70') from the Stream Corridor, provided that there is an equivalent increase in the width elsewhere on site and that all relevant permits, e.g. stream encroachment, freshwater wetlands and so forth, are obtained from the New Jersey Department of Environmental Protection and any other applicable, Federal, State and Local Agencies.

(3) Permitted activities in stream corridors and stream buffers when there is no reasonable or prudent alternative.

In cases where there are no reasonable or prudent alternatives, the following exceptions to the regulations and requirements of this Section may be permitted by the applicable land use approval board in a stream corridor or stream corridor buffer when subdivisions or site plans cannot be designed in the manner set forth herein and if the land use approval board determines that there is no other reasonable or prudent alternative to placement in the stream corridor or stream corridor buffer.

(a) Recreational use, whether open to the public or restricted to private membership, such as parks, camps, picnic areas, golf courses, sports or boating clubs, not to include enclosed structures, but permitting piers, docks, floats or shelters customarily associated with developed outdoor recreational areas;

(b) Outlet installation for sewage treatment plants and sewage pumping stations and the expansion of existing sewage treatment facilities;

(c) Private or public water supply wells that have a sanitary seal, flood-proofed water treatment facilities or pumping facilities;

(d) Dredging or grading when incidental to permitted structures or uses, including stream cleaning and stream rehabilitation work undertaken to improve hydraulics or to protect the public health, safety and welfare;

(e) Dams, culverts, bridges and roads, provided that such structures cross the stream corridor directly;

(f) Sanitary or storm sewers;

(g) Utility transmission lines installed during periods of low stream flow in accordance with soil erosion and sediment control practices and approved by the State Soil Conservation District in a manner that will not impede flows or cause ponding of water;

(h) Stormwater management facilities such as detention basins and outfall facilities; and

(4) Prohibited Activities. All activities not permitted pursuant to this Section shall be prohibited. In no circumstances shall the following be permitted as exceptions to any of the provisions contained in this Section.

(a) Any solid or hazardous waste facilities, including, but not limited to, sanitary landfills, transfer stations and wastewater lagoons; and

(b) Junkyards, commercial and industrial storage facilities and open storage of vehicles and materials.

(5) Provisions governing activities in stream corridors and stream corridor buffers.

(a) The applicant for any activity permitted in a stream corridor or stream corridor buffer shall rehabilitate any degraded areas within the stream corridor or stream corridor buffer, in a manner acceptable to the applicable land use approval board and/or municipal agency.

(b) The applicant shall also:

[1] Rehabilitate or cure the effects of the disturbance caused during construction in a timely manner and using best business and construction practises;

[2] Maintain the integrity and pristine nature of the surrounding habitat; and

[3] Maintain the existing ability of the stream corridor to buffer the affected water way.

(c) The applicant shall provide whatever additional measures are deemed necessary by the applicable land use approval board and any Federal, State or Local Agencies or laws, to ensure that areas designated as stream corridors and stream corridor buffers will be preserved and to prevent additional encroachments in the stream corridors or stream corridor buffers likely to occur as the result of any approvals granted.

(d) The applicable land use approval board may also require that conservation easements or deed restrictions ensuring that there will be no further intrusion and/or encroachment on any stream corridor and stream corridor buffer than that permitted by the activity so approved be dedicated to the Township and memorialized by deed and recorded in the Monmouth County Clerk's Office.

G. Submission Requirements. The following information shall be provided for any development on any property containing a stream corridor or stream corridor buffer or portion thereof, or on any property directly bordering on a stream corridor or stream corridor buffer or portion thereof.

An applicant for an activity in a stream corridor or stream corridor buffer or any portion thereof shall submit to the municipality or applicable land use approval board, a map at a scale of not less than one inch being equal to one hundred feet (100') of the proposed project site delineating the following:

(1) The stream corridor(s) and stream corridor buffer(s) boundaries and/or any portions thereof;

(2) Detailed hydrologic engineering studies indicating the effects on drainage, streams and other waterways and water sources, as well as the property in question and any adjacent properties, which should include the necessary data to determine whether the boundaries of the stream corridor and/or stream corridor buffer (or portion thereof) would be affected if the application were granted;

(3) State wetland boundary lines;

(4) Any steep slopes located within the proposed site;

(5) The location of all improvements and land disturbances proposed to be located within any of the aforementioned boundaries

(6) A plan indicating the disposition of any fill materials proposed to be deposited by the grading or re-grading of land;

(7) A plan demonstrating the manner in which suitable techniques, including, but not limited to, erosion and soil stabilization measures, sediment traps and nutrient control by vegetation filters or other mechanisms will be incorporated to protect the stream; and

(8) If any disturbance is planned to a stream corridor, stream corridor buffer area or any portion thereof, or if such has been disturbed by prior land use such as agriculture, a re-vegetation plan shall be provided, subject to the approval of the Township Conservation Officer.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution #2003-362 (Closed Session) was not adopted, as no Closed Session was held at that time.

The following Resolution # 2003-363 (Change Order to Professional Services Contract - DLB Engineering) was introduced by reference, offered by Councilwoman Singer, seconded by Acting Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2003-363

A RESOLUTION AUTHORIZING AND APPROVING A CHANGE ORDER AMENDING THE ORIGINAL PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND DLB ASSOCIATES CONSULTING ENGINEERS, P.C. FOR THE PROVISION OF ELECTRICAL DESIGN SERVICES IN CONNECTION WITH THE MARLBORO SWIM CLUB FACILITY ELECTRIC ROOM

WHEREAS, on October 23, 2003 the Township of Marlboro entered into a professional services agreement with DLB Associates Consulting Engineers, P.C. ("DLB Associates") for the provision of electrical engineering design services to the Township of Marlboro for the electric room upgrade at the Marlboro Swim Club; (the "Agreement"); and

WHEREAS, the amount of the Agreement awarded to DLB Associates was \$13,750.00; and

WHEREAS, DLB Associates undertook an inspection of the Marlboro Swim Club electrical room and grounding system which revealed that that a number of circuits and circuit breakers required replacement and that the building grounding system required testing, among other conditions, necessitating additional engineering design work not anticipated in the original Agreement; and

WHEREAS, the fee for the aforementioned additional engineering design services would be \$2,375.00, or 17.3% of the original Agreement; and

WHEREAS, the Township of Marlboro Swim Division Board of Directors reviewed the results of DLB Associate's inspection and have recommended to the Township Council of the Township of Marlboro that a Change Order to provide for the aforementioned additional

engineering design services in the amount of \$2,375.00 be approved in order to upgrade the Marlboro Swim Club electrical building to ensure the health, safety and welfare of the citizens of the Township of Marlboro; and

WHEREAS, the Township Administration has reviewed a memorandum regarding the proposed Change Order prepared by the Marlboro Swim Club Board of Directors dated December 2, 2003 and have recommended that a Change Order to amend the amount of the Agreement from \$13,750.00 to \$16,125.00, reflecting an increase of \$2,375.00 or 17.3% of the original Agreement amount be authorized and approved by the Township Council of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Change Order to amend the amount of the Agreement with DLB Associates Consulting Engineers, P.C. from \$13,750.00 to \$16,125.00, reflecting an increase of \$2,375.00 or 17.5% of the original Agreement amount be and hereby is authorized and approved; and

BE IT FURTHER RESOLVED, that the Marlboro Swim Club Board of Directors is hereby authorized to issue a Change Order for the aforementioned Agreement to DLB Associates Consulting Engineers, P.C.; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. DLB Associates Consulting Engineers, P.C. (Attn: Paul B. Estilow, P.E.)
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Marlboro Swim Club (Attn: Board of Directors)
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-364 (Transfers) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-364

RESOLUTION AUTHORIZING BUDGET TRANSFERS  
DURING LAST TWO MONTHS  
OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over the above the amount deemed to be necessary to fulfill the purpose of such appropriation,

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2003 Budget as follow:

See Attached Schedule

**SCHEDULE A**  
**2003 BUDGET TRANSFERS**  
**December 11, 2003**

<b>CURRENT:</b>			
<b>DEPARTMENT</b>		<b>ACCOUNT #</b>	<b>AMOUNT</b>
FROM:			
Finance	S&W	3-01- -040-199	1,000.00
Tax Collector	S&W	3-01- -046-199	2,000.00
Central Computer Office	S&W	3-01- -033-199	500.00
Police	S&W	3-01- -106-193	120,000.00
Recycling	S&W	3-01- -117-191	3,500.00
Recreation	S&W	3-01- -145-101	14,500.00
Tax Collector	OE	3-01- -046-282	5,000.00
Public Information	OE	3-01- -055-288	5,000.00
Emergency Response	OE	3-01- -105	17,000.00
Police	OE	3-01- -106	20,000.00
Highway Safety	OE	3-01- -107-296	2,000.00
Liability Insurance	OE	3-01- -101-203	15,000.00
Workers Compensation	OE	3-01- -102-203	7,500.00
Social Security	OE	3-01- -176-254	50,000.00
<b>TOTAL</b>			<b>263,000.00</b>

TO:			
Tax Assessor	S&W	3-01- -045-101	1,000.00
Snow Removal	S&W	3-01- -119-101	140,000.00
Accumulated Absences	S&W	3-01- -184-101	120,000.00
Court	S&W	3-01- -307-101	2,000.00
<b>TOTAL</b>			<b>263,000.00</b>

The following Resolution # 2003-365 (Transfer of Funds to Reserve for Snow Removal) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-365

RESOLUTION AUTHORIZING TRANSFER OF FUNDS  
TO RESERVE FOR SNOW REMOVAL

WHEREAS, there is an available balance in the snow removal line item in the 2002 operating budget, and

WHEREAS, the Township Council of the Township of Marlboro has authorized a "Dedication by Rider for Snow Removal Services", and

WHEREAS, the Township Council of the Township of Marlboro wishes to apply available funds to this Reserve Account,

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro does hereby authorize the transfer of \$160,000 from the 2003 Current Operating line item "Snow Removal" to the Reserve for Snow Removal Dedicated by Rider account.

The following Resolution # 2003-366 (Adopting Hunting Map) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 5- 0 in favor.

RESOLUTION # 2003-366

A RESOLUTION APPROVING THE REVISED HUNTING MAP DESIGNATING HUNTING  
AREAS THROUGHOUT THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY

WHEREAS, in accordance with Chapter 64-1(A) the Hunting Map designating areas where hunting may take place throughout the Township of Marlboro must be approved by formal resolution of the Township Council of the Township of Marlboro; and

WHEREAS, the Hunting Map of the Township of Marlboro has been recently amended on December 3, 2003.



NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that the Hunting Map, Township of Marlboro, Monmouth County, New Jersey, prepared by the Township of Marlboro Engineering Department Geographic Information System, dated October 2, 2002, last revised on December 3, 2003 be and is hereby approved and designated as the Official Hunting Map of the Township of Marlboro.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Township Engineer
- b. Township Administrator
- c. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-367 (Authorizing Grant NJDEP - Environmental Resources Inventory) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-367

RESOLUTION AUTHORIZING A GRANT APPLICATION FOR THE NEW  
JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
TO DEFRAY THE COST OF THE ENVIRONMENTAL RESOURCES INVENTORY

WHEREAS, the New Jersey Department of Environmental Protection (the "State") Environmental Services Program provides loans and/or grants to local environmental commissions and/or organizations to defray the cost of the Environmental Resources Inventory; and

WHEREAS, the Township of Marlboro wishes to further the public interest by obtaining a matching grant of \$2,500.00 from the State through the Environmental Services Program for such purpose; and

WHEREAS, the Marlboro Township Environmental Commission has submitted an application to the State for such a matching grant for the aforesaid project; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Environmental Services Program, and notify the Township of the amount of the funding award; and

WHEREAS, the Township is willing to use the State's funds in accordance with such applicable rules, regulations and applicable

statutes, and is willing to match the grant received in an amount of \$2,500.00, as required by the grant application process.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is hereby authorized to execute and the Municipal Clerk to attest to any necessary documents, which shall be in a form acceptable to the Township Attorney, which may be required in connection with the aforesaid grant application process.

2. That the Township commits its matching share of the project in the amount of \$2,500.00.

3. That the Township agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project.

4. That a certified copy of this Resolution shall be provided to each of the following:

- a. Marlboro Township Environmental Commission
- b. Township Business Administrator
- c. Chief Financial Officer
- d. Township Engineer
- e. Township Attorney

The following Resolution # 2003-368 (Award of Bid - Police In-Car Cameras) was deleted from the agenda.

The following Resolution # 2003-369 (Award of State Contract - Animal Control Vehicle) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-369

A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) NEW 2004 FORD ECONOLINE S24 E-250 SUPER AND RELATED OPTIONS UNDER STATE CONTRACT # A53310

WHEREAS, the Township of Marlboro Division of Police has recommended that the Township purchase one (1) new 2004 Ford Econoline S24 E-250 Super and related options from Nassau Conover

Ford of Princeton, New Jersey under State Contract #A53310 for the amount of \$14,844.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide new equipment to the Division of Police; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase one (1) new 2004 Ford Econoline S24 E-250 Super and related options from Nassau Conover Ford of Princeton, New Jersey under State Contract #A53310 for the amount of \$14,844.00.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Nassau Conover Ford of Princeton, New Jersey
- b. Township Administrator
- c. Township Division of Police
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-370 (Award of Contract - Animal Control Vehicle Conversion) was introduced as amended by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-370 (AS AMENDED)

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO MAVRON, INC. OF WARSAW, INDIANA FOR THE CONVERSION OF A NEW 2004 FORD ECONOLINE S24 E-250 SUPER INTO AN ANIMAL CONTROL VEHICLE

WHEREAS, by Resolution # 2003-369, the Township of Marlboro authorized the purchase of one (1) new 2004 Ford Econoline S24 E-250 Super and related options from Nassau Conover Ford of Princeton, New Jersey under State Contract #A53310 for use as an animal control vehicle (the "Vehicle"); and

WHEREAS, it is necessary to hire the services of a company specializing in vehicle modification in order to convert said Vehicle into a suitable conveyance for animals; and

WHEREAS, pursuant to N.J.S.A. 40A:11-3, a municipality may, when the cost or price of any contract in the aggregate does not exceed in a contract year the total sum of \$17,500.00, award a contract by resolution without public bidding therefor; and

WHEREAS, the Township of Marlboro Division of Police has reviewed price estimates from three (3) companies specializing in vehicle conversion, i.e., Matthew Specialty Vehicles, Mavron, Inc. and Harford Systems, Inc.; and

WHEREAS, Harford System's price estimate for the aforesaid conversion was \$13,528.00, Mavron's price estimate was \$12,401.00 and Matthew Specialty Vehicles advised that they could not compete with such prices, making Mavron's price estimate the lowest estimate; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide a properly converted vehicle to handle animal control throughout the Township of Marlboro; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to award a contract to Mavron, Inc. for the conversion of a new 2004 Ford Econoline S24 E-250 Super for use as an animal control vehicle for the amount of \$12,401.00.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Mavron, Inc.
- b. Township Administrator
- c. Township Division of Police
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-371 (Award of Bid - Skid Steer Loader) was introduced by reference, offered by Councilwoman Singer,

seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Rosen).

RESOLUTION # 2003-371

A RESOLUTION AWARDING A CONTRACT TO FOLEY, INC. TO PROVIDE A 2003 OR NEWER SKID STEER LOADER WITH PLANER FOR THE MARLBORO TOWNSHIP DIVISION OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of a 2003 or newer Skid Steer Loader with Planer for the Marlboro Township Division of Public Works, and on October 6, received three (3) bids therefor; and

WHEREAS, the three(3) bids received were as follows:

1. Garden State Bobcat, Inc., 999 Highway 33, Freehold, New Jersey 07728, for the amount of \$38,965.60;
2. Foley, Inc., 855 Centennial Avenue, Piscataway, New Jersey 08855, for the amount of \$46,000.00; and
3. Trico Equipment, Inc., 551 North Harding Highway, Vineland, New Jersey 09360, for the amount of \$48,539.00.

WHEREAS, the Township Administration and the Division of Public Works have reviewed the said bids received and recommended that same be awarded to Foley, Inc. as the lowest responsible bidder because the bid received from Garden State Bobcat, Inc. contained material exceptions to the bid specifications including performance quality issues due to inadequate hydraulic fluid pressure and flow and because Garden State Bobcat, Inc. failed to bring the exact unit as required by the bid specifications for a demonstration of the unit, making such bid non-responsive and making Foley, Inc. the lowest responsible bidder by default; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Foley, Inc. of Piscataway, New Jersey to provide a 2003 or newer Skid Steer Loader with Planer for the Marlboro Township Division of Public Works.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to

Foley, Inc. of Piscataway, New Jersey for the provision of a 2003 or newer Skid Steer Loader with Planer for the Marlboro Township Division of Public Works; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Foley, Inc. in a form to be approved by the Township Attorney, for the aforementioned equipment; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- f. Foley, Inc.
- g. Township Administrator
- h. Township Chief Financial Officer
- i. Superintendent Public Works
- j. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-372 (Award of Bid - CAD/RMS) was deleted from the Agenda.

The following Resolution # 2003-373 (Authorization to Bid: Spring 2004 Bulk Pickup) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

#### RESOLUTION # 2003-373

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, labor and/or materials as required by law:

Spring 2004 Bulk Pickup

The following Resolution # 2003-374 (Award of Contract - Recreation Parks and Facilities Inventory) was introduced by reference, offered by Councilwoman Singer, seconded by Acting Council President Mione and passed on a roll call vote of 5 - 0 in favor.

#### RESOLUTION # 2003-374

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH SCHOOR DEPALMA INC. FOR THE PREPARATION OF A PARKS AND FACILITIES INVENTORY AND RECOMMENDATIONS

REPORT OF FUTURE IMPROVEMENTS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF RECREATION

WHEREAS, there exists a need for the services of an engineer in order to prepare a Parks and Facilities Inventory and Recommendations Report of Future Improvements for the Department of Recreation (the "Project"); and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize Schoor DePalma Inc. to perform the aforesaid application preparation services in connection with the Project.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor, or his designee, is authorized to execute and the Township Clerk to attest an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and Schoor DePalma Inc. with regard to the aforesaid application preparation services, as per the proposal dated December 4, 2003, to be attached hereto and made a part hereof.

2. That the services to be performed shall be on an hourly basis as outlined in the attached proposal, with a cap on the total expenditure in the amount not to exceed \$24,500.00 for such services. Further authorization from the Township Council shall be required for any expenditure beyond said amount.

3. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with *N.J.S.A. 40A:11-5*, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

4. That this award of contract is specifically contingent upon verification and certification by the Township Chief Financial Officer of adequate funding available for same. The Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

5. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Schoor DePalma Inc. (Attn: John D. Perello, CLA, PP. CPSI)
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-375 (Bond Release Grosso Site Plan) was introduced by reference, offered by Councilman Denkensohn, seconded by Acting Council President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-375

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE AND CASH BONDS FOR  
GROSSO BUILDING SITE PLAN FOR TOBIN REALTY II, LLC  
AND MICHAEL AND JEROME TOBIN

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of Township held Performance and Cash Bonds ("Performance Guaranties") for the Grosso Building site plan for Tobin Realty II, LLC and Michael Tobin and Jerome Tobin (collectively, the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated November 25, 2003, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guaranties being held by the Township may be released subject to the waiver of a maintenance bond as requested by Developer and recommended by the Township Engineer and subject to Developer's payment of all fees required by the Developer Agreement; and



WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Guaranties.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Guaranties posted for the Grosso Building Site Plan for Developer, Tobin Realty II, LLC and Michael Tobin and Jerome Tobin shall be released.

BE IT FURTHER RESOLVED, that a request for a waiver of the maintenance bond, which has been recommended by the Township Engineer, be and hereby is granted; and

BE IT FURTHER RESOLVED, that the release of the Performance Guarantees are conditioned upon the Developer, Tobin Realty II, LLC and Michael Tobin and Jerome Tobin, paying all fees as required by the Developer Agreement.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Tobin Realty II, LLC
- b. Michael Robin
- c. Jerome Tobin
- d. International Fidelity Insurance Company
- e. Township Engineer
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolutions were deleted from the Agenda: Resolution # 2003-376 (Bond Release Marlboro Summit) and Resolution # 2003-377 (Bond Release Hawkins Manor).

The following Resolutions were introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor: Res. # 2003-378 (Request to DOT for Extension of Time for State Aid Projects - Union Hill Road and Robertsville Road) and Res. # 2003-379 (Request to DOT for Extension of Time for State Aid Projects - School Road East and Route 79).

RESOLUTION # 2003-378

A RESOLUTION AUTHORIZING THE REQUEST OF AN EXTENSION FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO AWARD A CONTRACT FOR ROADWAY IMPROVEMENTS TO UNION HILL ROAD AND ROBERTSVILLE ROAD, TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, FOR ONE (1) YEAR

WHEREAS, pursuant to an agreement between the Township of Marlboro ("Township") and the New Jersey Department of Transportation ("NJDOT") dated January 9, 2003 (the "Agreement"), the NJDOT agreed to provide to the Township an aggregate grant of \$150,000.00 (the "Grant Monies") for roadway improvements to Robertsville and Union Hill Roads in the Township of Marlboro (the "Improvements"); and

WHEREAS, the Agreement requires that a contract between the Township and a prospective contractor for the Improvements be awarded no later than January 9, 2004; and

WHEREAS, the plans for the Improvements are not complete and the Department of Public Works, Division of Engineering is in the process of preparing the construction plans for the Improvements which will be sent to the NJDOT for review prior to bidding the project; and

WHEREAS, in order to retain the Grant Monies from the NJDOT for the aforesaid Improvements, it is necessary to formally request a one year extension of time for the award of such contract from the NJDOT; and

WHEREAS, the Township Council finds that it would be in the best interests of the Township to formally extend a request to the NJDOT for a one-year extension of time to award a contract for the Improvements in order to retain the Grant Monies.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a formal request to the NJDOT for a one year extension of time for the award of contract for the aforesaid Improvements is hereby authorized.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. New Jersey Department of Transportation
- b. Township Administrator
- c. Township Engineer
- d. Superintendent Public Works
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

RESOLUTION # 2003-379

A RESOLUTION AUTHORIZING THE REQUEST OF AN EXTENSION FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO AWARD A CONTRACT FOR ROADWAY IMPROVEMENTS TO SCHOOL ROAD EAST IN THE VICINITY OF ROUTE 79, TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, FOR ONE (1) YEAR

WHEREAS, pursuant to an agreement between the Township of Marlboro ("Township") and the New Jersey Department of Transportation ("NJDOT") dated December 21, 1999 (the "Agreement"), the NJDOT agreed to provide to the Township a grant of \$150,000.00 (the "Grant Monies") for roadway improvements to School Road East in the vicinity of Route 79 in the Township of Marlboro (the "Improvements"); and

WHEREAS, the Agreement required that a contract between the Township and a prospective contractor for the Improvements be awarded no later than January 7, 2001; and

WHEREAS, the deadline for the award of such contract for the Improvements has been extended several times, with the latest deadline being January 7, 2004; and

WHEREAS, the design engineer for the Improvements, CME Associates, has prepared the plans and specifications for the Improvements; and

WHEREAS, although the plans and specifications for the Improvements have been prepared, such plans still require the review and approval of the NJDOT prior to sending same out for public bidding, making it necessary to request a one year extension of time to award a contract for the Improvements; and

WHEREAS, in order to retain the Grant Monies from the NJDOT for the aforesaid Improvements, it is necessary to formally request a one year extension of time for the award of such contract from the NJDOT; and

WHEREAS, the Township Council finds that it would be in the best interests of the Township to formally extend a request to the NJDOT for a one year extension of time to award a contract for the Improvements in order to retain the Grant Monies.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a formal request to the

NJDOT for a one year extension of time for the award of contract for the aforesaid Improvements is hereby authorized.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. New Jersey Department of Transportation
- b. CME Associates
- c. Township Administrator
- d. Township Engineer
- e. Superintendent Public Works
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolutions were introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Burrows and passed on a roll call vote of 5 - 0 in favor: Res. # 2003-380 (Redemption Tax Sale Certs - Various), Res. # 2003-381 (Refunds for Overpayments for 2003 Taxes - Various), Res. # 2003-382 (Senior Cit. Ded. - B. 288, L. 29 C0031), Res. # 2003-383 (Veteran Deductions - Various) and Res. # 2003-384 (Widow of Veteran Deduction - B. 318, L. 2).

RESOLUTION # 2003-380

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$52,657.71 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$52,657.71 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
91-2	415/12	Joanne Ludwig-Zinser	\$52,025.54
34	Buckley Road	34 Dartmouth Drive	
		Hazlet, NJ 07730	
03-47	176/7 C0867	Richard Simon, Trustee LLC	632.17
867	Mariposa Court	P.O. Box 238	

Northfield, NJ 08225

TOTAL: \$52,657.71

RESOLUTION # 2003-381

WHEREAS, the attached list in the amount of \$19,525.22 known as Schedule "A", is comprised of amounts representing overpayments for 2003 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
117	11	James & Karen Thompson	\$1,652.26
10 Freneau Drive		10 Freneau Drive	
		Morganville, NJ 07751	
143.05	32	Bennet & Robyn S. Robbins	2,010.22
300 Cardiff Drive		300 Cardiff Drive	
		Morganville, NJ 07751	
143.05	78.10	Jeffrey & Michelle Occimio	195.94
430 Aynsley Court		430 Aynsley Court	
		Morganville, NJ 07751	
143.06	6	Robert & Joan Shapiro	1,999.86
316 Wedgewood Road		316 Wedgewood Road	
		Morganville, NJ 07751	
176.02	27	William & Toni Ann Molloy	1,907.48
21 Danielle Way		21 Danielle Way	
		Morganville, NJ 07751	
178	2 C0435	Paul A. & Francine Ruvo	7.38
435 Hancock Place		435 Hancock Place	
		Morganville, NJ 07751	
178	290 C0331	John De La Cruz	1,636.32
331 Bernard Drive		331 Bernard Drive	
		Morganville, NJ 07751	
193.05	22	Timothy & Karen S. Petty	853.67

65 Crine Lane	65 Crine Lane	
	Morganville, NJ 07751	
193.10 2	Sean & Maureen Gill	587.80
43 Shawnee Way	43 Shawnee Way	
	Morganville, NJ 07751	
199 6	Wells Fargo Home Mortgage	68.97
61 Gordons Corner Rd	1 Home Campus	
	Dept. MAC2502-011	
	Des Moines, IA 50328	
	Re: Vincent & Frances Pisani	
204 14	GMAC Mortgage	2,299.52
45 Rockwell Circle	Attn: Judy Fox	
	34 Hammond Avenue	
	Waterloo, IA 50702	
	Re: John & Lucia Sturdevant	
214 33	Jerald & Brigitte Goldstein	2,280.85
34 Boundary Road	34 Boundary Road	
	Marlboro, NJ 07746	
268 30	Patrick & Brenda Ann Darcy	15.74
7 Laurel Lane	7 Laurel Lane	
	Englishtown, NJ 07726	
314 20	GMAC Mortgage	1,811.17
7 Pembroke Court	Attn: Leslie Schuhmacher	
	34 Hammond Avenue	
	Waterloo, IA 50702	
	Re: John & Anita Pluchino	
396 1 C0062	John Nuss	990.71
62 Orange Drive	62 Orange Drive	
	Marlboro, NJ 07746	
412.03 13	Wells Fargo Home Mortgage	1,207.33
26 Warbler Road	1 Home Campus	
	Dept. MAC2502-011	
	Des Moines, IA 50328	
	Re: Payment Meant for Other	
	Municipality	

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TOTAL: \$19,525.22

RESOLUTION # 2003-382

WHEREAS, a Senior Citizen deduction in the amount of \$250.00 has been allowed for the year 2003 for Block 288 Lot 29 C0031, located on 31 Aspen Avenue, assessed to Lucio & Maria Helena Pimenta,

WHEREAS, taxes for the year 2003 have been paid in full on the above-mentioned block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$250.00 to above-mentioned taxpayers.

RESOLUTION # 2003-383

WHEREAS, Veteran deductions totaling \$1,250.00 have been granted as per the attached Schedule "A" for the year 2003,

WHEREAS, taxes for the year 2003 have been paid in full on the above-referenced block & lots,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund these deductions to the respective taxpayers as per Schedule "A".

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
157	28	John & Irene Costa	\$250.00
3 Orchard Hills		3 Orchard Hills Road	
		Rd. Marlboro, NJ 07746	
261	5	Leslie & Susan Vogel	250.00
17 Lake Louise Rd.		17 Lake Louise Road	
		Morganville, NJ 07751	
371	111	Herbert & Rhoda Hollander	250.00
68 Murray Hill		68 Murray Hill Terrace	
		Terr. Marlboro, NJ 07746	
377	27	J. Wax	250.00
12 Eastwick Court		12 Eastwick Court	

Marlboro, NJ 07746

396	1 C0074	Melvin & Rosalind Piskosz	250.00
74 Orange Drive		74 Orange Drive	
		Marlboro, NJ 07746	<hr/>
TOTAL:			\$1,250.00

RESOLUTION # 2003-384

WHEREAS, a Widow of a Veteran deduction in the amount of \$250.00 has been granted for the year 2003 for Block 318 Lot 2, located on 10 Hudson Bay Terrace, assessed to Marie D. Fabiano,

WHEREAS, taxes for the year 2003 have been paid in full on the above-referenced block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$250.00 to the above-mentioned taxpayer.

The following Resolution # 2003-385 (Setting Reorganization Meeting) was introduced by reference, offered by Acting Council President Mione, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-385

BE IT RESOLVED by the Township Council of the Township of Marlboro that it will hold its reorganization meeting on January 4, 2004 at the Town Hall, 1979 Township Drive, Marlboro, New Jersey 07746.

The following Resolution # 2003-386 (Setting Special Meeting to consider a resolution(s) to override Mayor's veto if necessary) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Burrows and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-386



BE IT RESOLVED by the Township Council of the Township of Marlboro that a Special Council Meeting will be held on December 22, 2003, at 8:00 p.m., at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, N. J. 07746.

BE IT FURTHER RESOLVED that the purpose of this special meeting is to consider a resolution(s) to override Mayor's veto if necessary.

At 11:45 PM, Councilman Denkensohn moved that the meeting go into executive session for reason of discussing acquisition of property, contract negotiations and litigation. This was seconded by Councilwoman Singer, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 2003-387

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 11th day of December, 2003 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely property acquisition, contract negotiations, and litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 30 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 1:25 pm, Councilman Denkensohn moved that the meeting be opened. This was seconded by Councilwoman Singer, and as there was no objection, the Clerk was asked to cast one ballot.

At 1:30 pm, Councilman Denkensohn moved that the meeting be adjourned. This was seconded by Councilman Burrows, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: January 22, 2004

OFFERED BY: Denkensohn

AYES: 3

SECONDED BY: Mione

NAYS: 0

ABSTAIN: Morelli, Pernice

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ALIDA DE GAETA  
MUNICIPAL CLERK

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JAMES MIONE  
ACTING COUNCIL PRESIDENT